

Applicant : Mazzola Jr. et al.
Serial No. : 10/615,254
Filed : July 8, 2003
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Attorney's Docket No.: 11130-045001

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 1 and replaces the original sheet.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Change(s) (1 page)

REMARKS

Claims 1-21 were examined. Herein, claims 1, 9-13, 17-18 and 21 have been amended. Claims 2, 8 and 14-16 have been canceled. Therefore, claims 1, 3-7, 9-13 and 17-21 remain in the application.

Drawings

The drawings were objected to because the subject matter of claim 11 was allegedly not shown. Attached is an "annotated marked-up drawing" of Fig. 1 showing the change being made to Fig. 1 to overcome the objection. A "replacement sheet" for Fig. 1 is also enclosed. This objection has been overcome.

The paragraph beginning at page 6, line 4 of the specification has been amended to delete "(not shown)" in line 6 because of the amendment to Fig. 1.

Claim Rejections - 35 U.S.C. § 102

Claims 1-12, 14 and 21 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Sandor (US 4,226,175).

Claims 1-7 are method claims. Claims 8-12, 14 and 21 are apparatus claims.

Claim 1 has been amended to include the feature of original claim 2. Claims 3-7 are dependent claims.

As amended, claim 1 now recites "adjusting the rate of release of the water so as to form a slurry of the ground coffee." It is not seen that the Sandor reference discloses that the rate of release of the water can be adjusted to form a slurry. (See col. 5, lines 9-18.) Rather, the reference states that the "blade may be switched on again for slow movement to stir the ground coffee." Formation of a slurry is not mentioned, suggested or described. It is urged therefore that method claims 1 and 3-7 are neither disclosed nor suggested by Sandor and thus are allowable.

Independent apparatus claims 8 and 21 (as well as dependent claims 9-12 and 14) were also rejected over Sandor. Claim 8 has been cancelled and its features, as well as those of claim

14, have been included in claim 17, which is now an independent claim. Claim 17 was indicated in the Action to be allowable if rewritten as described. That has been done. Accordingly, claim 17 is allowable. Claims 9-12 now depend from claim 17 directly or indirectly. Claim 14 has been canceled, and its features have been incorporated into claim 17.

Claim 21 has also been amended and now includes the feature that the free ends of the downwardly projecting protrusions are tapered or flat or pointed. Sandor does not describe or suggest the use of downwardly projecting protrusions at all. Rather, Sandor discloses the use of a blade, which is necessary for Sandor's device because the device actually is designed to grind the coffee beans before water is added.

In view of the indicated amendments and remarks, it is urged that apparatus claims 17, 9-12 and 21 are allowable over Sandor and that this rejection has been overcome.

Claim Rejections - 35 U.S.C. § 103

Claims 13, 15 and 16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sandor (US 4,226,175) in view of Lang (US 6,647,863). Lang is cited as showing it is known to provide a control and control elements for dispensing heated water and operation of an agitator motor.

As has been noted previously, claims 15-16 have been canceled, so the rejection is moot as regards claims 15-16.

Claim 13 now depends from allowable claim 17 and is allowable for at least the same reasons as claim 17. Thus, it is urged that this rejection has also been overcome and should be withdrawn. Claim 13 would not have been obvious to one of ordinary skill in the art at the time the invention was made over Sandor in view of Lang.

Allowable Subject Matter

Claims 17-20 were objected to as being dependent upon a rejected base claim but were indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

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Claim 17 has been so amended, as mentioned above. Claims 18-20 now depend directly or indirectly from allowable claim 17. Therefore, claims 17-20 are all allowable.

Conclusion

Each of pending claims 1, 3-7, 9-13 and 17-21 is allowable. Issuance of a notice of allowance is proper and is urged.

Enclosed is a \$510 check for the fee for the enclosed Petition for Extension of Time. Please apply any other charges or credits to deposit account 06-1050.

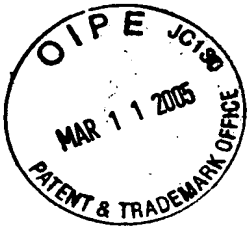
Respectfully submitted,

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ANNOTATED MARKED-UP DRAWING
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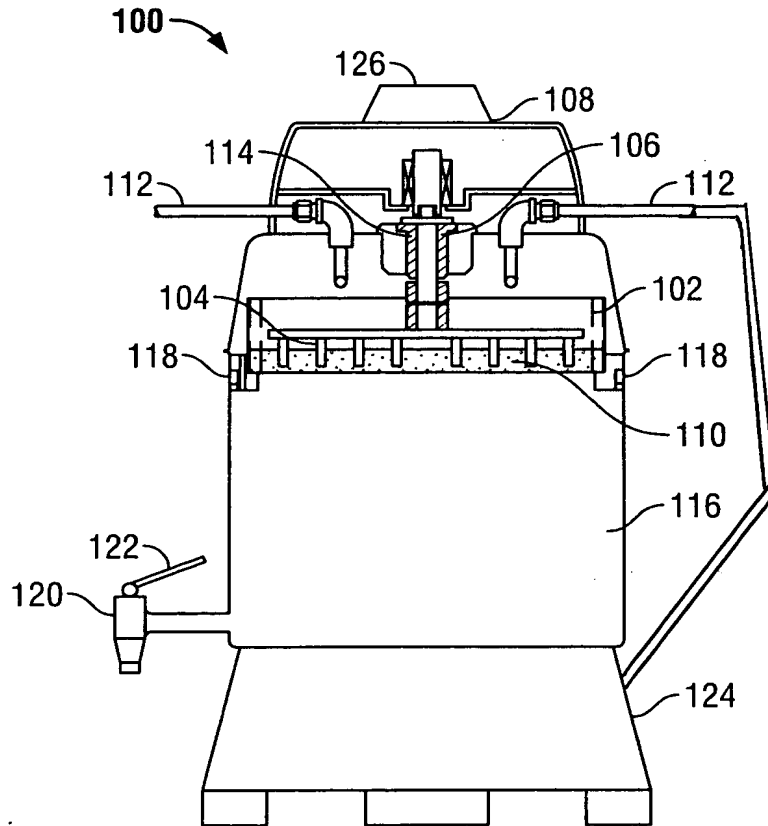


FIG. 1